



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston – Northeast Regional Office

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

EDWARD P. KUNCE
Acting Commissioner

MODIFIED WATER WITHDRAWAL PERMIT
MGL c 21G

This Modified Permit is issued pursuant to the Massachusetts Water Management Act (the “Act”) for the sole purpose of modifying the terms and conditions governing the withdrawal of water authorized herein. This Modified Permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

PERMIT NUMBER: 9P2-3-17-213.01

RIVER BASIN: Ipswich

PERMITTEE: Thomson Country Club
20 Elm Street
North Reading, MA 01865

ORIGINAL ISSUANCE DATE: May 8, 2000

MODIFICATION DATE: May 19, 2003

EXPIRATION DATE: August 31, 2009

NUMBER OF WITHDRAWAL POINTS: 1 Groundwater Point

USE: Golf Course

DAYS OF OPERATION: 210 (April- October)

LOCATIONS:

<u>Source</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Location</u>
Sutliff Well	42 34 19 N	71 01 45 W	20 Elm Street

SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This Modified Permit **does not** authorize any increase in water withdrawal volumes for the purpose of providing irrigation water to the Thomson Country Club (the “Club”). The authorized annual average withdrawal volume will continue to be 0.15 million gallons per day (mgd) previously registered to the permittee in the Ipswich River Basin.

This information is available in alternate format. Call Aprel McCabe, ADA Coordinator at 1-617-556-1171.

205A Lowell St. Wilmington, MA 01887 • Phone (978) 661-7600 • Fax (978) 661-7615 • TTD# (978) 661-7679

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

If, for any year beginning with the calendar year 2003, the Club exceeds its total authorized volume of 0.15 MGD on an average daily basis during the season (210 days), on or before March 1st of the following year, the Club shall submit to the Department for its review and approval a plan to achieve compliance with this Modified Permit. If the Club exceeds its total authorized volume on an average daily basis by more than the threshold volume, the Club will be in violation of the Water Management Act and this Modified Permit.

2. Maximum Authorized Daily Withdrawal Volume

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volume listed below without specific advance written approval from the Department.

Source	Daily Rate (MGD)
Sutliff Well	.3456

3. Water Conservation

The Club shall document the use of Best Management Practices including, but not limited to the following listed items. The following documentation shall be made available to the Department upon request:

1. the use and management of the computerized irrigation system;
2. daily monitoring of soil moisture;
3. irrigation schedules and times;
4. use of wetting agents;
5. integrated pest management practices; and,
6. the use of rain sensors.

4. Streamflow Triggers and Water Use Restrictions

Beginning on June 1, 2003, the Club shall implement the Required Actions identified in the following table when streamflow falls below the levels identified for three (3) consecutive days as measured at the USGS Stream gauge noted. **The Permittee shall not use the back-up surface water withdrawal as noted.**

Period	Streamflow Trigger (3 consecutive days below thresholds)	Flow Volume (USGS South Middleton Gauge Station 01101500)*	Required Actions
May 1 st thru September 30 th	<0.56 cfsm	<24.9. cfs	<u>Stage I</u> Public Notice Landscape Irrigation- 75% Fairways - 75% Tees – 80% Greens – 100%
May 1 st thru September 30 th	< 0.42 cfsm	<18.7 cfs	<u>Stage II</u> Public Notice Landscape Irrigation- 50% Fairways - 50% Tees – 75% Greens – 100% No Surface Water Withdrawal

cfsm = cubic feet per second per square mile
 cfs = cubic feet per second

* The streamflow thresholds set forth above are the mean daily streamflows recorded at the applicable USGS gauge. Should the reliability of flow measurements at the South Middleton Gauge Station be so impaired as to question its accuracy, the Modified Permit holder may request for the Department review and approval that the trigger mechanism be transferred to the USGS Ipswich Gauge #01102000. The implementation of restrictions will be triggered by the same cfs values that translate to a flow of 70 cfs for Stage I restrictions, and 52.5 cfs for Stage II restrictions. Should the Department become aware of concerns about the reliability of either gauge, it may upon immediate notification to the Modified Permit holder transfer the measurement point to an alternate gauge. The Department reserves the right to modify the above table to use a different gauge.

Required Actions, Stage I and Stage II Restrictions, require the posting of a public notice that shall be located conspicuously throughout the facility, and/or directly mailed to members within 5 business days of the date that the required action is triggered. A copy of each notice shall be forwarded to the Department within 10 business days of posting/ mailing. Each notice shall at a minimum include:

1. the streamflow value triggering the required notification; and
2. the need to limit water use, especially non-essential outdoor water use, to protect streamflows for aquatic life and to ensure adequate protection for all water uses.

The mandatory restrictions required herein shall remain in effect until stream flow exceeds for seven (7) consecutive days the limits set forth in the table above.

In order to evaluate the Club's compliance with the Required Actions set forth above, the Department requires that the Club maintain detailed records identifying the dates streamflow restrictions were in place, the restrictions imposed, and the Club's implementation of irrigation restrictions. Calculations of flow volumes both prior to and during any restriction period shall be presented in a manner to document the reduction in use cited in the table herein. This information shall be available to the Department upon request.

The Club shall use the surface water withdrawal only as an Emergency Back-up Supply. The use of this supply shall be minimized. If this source is utilized, the Club shall:

1. Notify the Department in writing of the use within three (3) calendar days;
2. Provide a schedule for implementing steps to discontinue such use;
3. Document volumes diverted; and,
4. Document all steps taken to correct the conditions resulting in the need.

5. Requirement to Report Water Volumes

Water withdrawal volumes shall be documented at all sources and surface water withdrawal points, including irrigation water storage pond(s).

GENERAL CONDITIONS

1. **Duty to Comply** The permittee shall comply at all times with the terms and conditions of this Modified Permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The permittee or the permittee's agent shall allow personnel or authorized agents or employees of the Department to enter and examine any property for the purpose of determining compliance with this Modified Permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.

4. **Water Emergency** Withdrawal volumes authorized by this Modified Permit are subject to restriction in any water emergency declared by the Department pursuant to MGL c 21G ss 15-17, MGL c 150 ss 111, or any other enabling authority.
5. **Transfer of Permits** This Modified Permit shall not be transferred in whole or in part unless and until the Department approves such transfer in writing, pursuant to a transfer application on forms provided by the Department requesting such approval and received by the Department at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The permittee shall submit annually, on a form provided by the Department (the Annual Report Form), a certified statement of the withdrawal, such report to be received by the Department by February 25th of each year. Such report must be mailed or hand delivered to:

Department of Environmental Protection
Water Management Program
One Winter Street, 6th Floor
Boston, MA 02108
7. **Duty to Maintain Records** The permittee shall be responsible for maintaining monthly withdrawal records.
8. **Metering** All withdrawal points included within the Modified Permit shall be metered individually by December 31, 2004. Meters shall be calibrated annually.

APPEAL RIGHTS AND TIME LIMITS

This permit modification is a decision of the Department. Any person aggrieved by this decision may request an adjudicatory hearing under the provisions of M.G.L.c.30A. Any such request must be made in writing, by certified mail and received by the Department within twenty-one (21) days of the date of receipt of this Modified Permit. Only the portions of this Modified Permit that reflect a modification of the Club's current permit may be the subject of an appeal, as the period for appealing provisions within the Club's current permit has expired.

No request for an appeal of this Modified Permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the city or town in which the withdrawal point is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

CONTENTS OF HEARING REQUEST

310 CMR 1.01(6)(b) requires the request to include a clear and concise statement of the facts which are the grounds for the request and the relief sought. For a person who is not the permit holder, the request must include a clear and concise statement of how that person is aggrieved by the issuance of this Modified Permit.

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, Ma. 02211

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of the Department that the fee will create an undue financial hardship. A person, seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts which support the claim of undue hardship.

NO WITHDRAWAL AUTHORIZED HEREIN SHALL EXCEED THE SAFE YIELD OF THE BASIN AS DETERMINED BY THE DEPARTMENT.

NO WITHDRAWAL IN EXCESS OF 100,000 GALLONS PER DAY OVER THE REGISTERED VOLUME (if any) SHALL BE MADE FOLLOWING THE EXPIRATION OF THIS PERMIT, UNLESS BEFORE THAT DATE THE DEPARTMENT HAS RECEIVED A RENEWAL PERMIT APPLICATION PURSUANT TO 310 CMR 36.00.